

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

SIXTIETH LEGISLATIVE DAY  
THURSDAY, MARCH 9, 2006

Senate Chamber

President Pro Tempore called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Burkett, Fulcher, Langhorst, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Fulcher was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 8, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senator Stegner was recorded present at this order of business.

### SCR 131

#### BY JUDICIARY AND RULES COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY TO PREPARE A REPORT ASSESSING THE NATURE AND EXTENT OF MERCURY CONTAMINATION IN THE ENVIRONMENT OF THE STATE OF IDAHO AND THE POTENTIAL ENVIRONMENTAL IMPACTS FROM THE ADDITION OF ANY NEW SOURCES OF MERCURY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature recognizes that the presence of mercury contamination in the environment is a concern to the public health, environment and economy of the state of Idaho; and

WHEREAS, mercury contamination has been detected at levels of concern in the waters of the state; and

WHEREAS, it is in the best interests of the citizens of the state for Idaho's elected officials to make informed decisions regarding pollutants released into our environment and their effect on the health and safety of our citizens; and

WHEREAS, the Idaho Department of Environmental Quality's task is specifically to adopt and implement programs to protect Idaho's air and water quality and public health, and to ensure proper disposal of waste.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Department of Environmental Quality is requested to compile and assess the available information, conduct relevant studies, and prepare a report to:

(1) Identify existing sources of mercury contamination in the Idaho environment, including in-state sources, sources in surrounding states, national sources and global sources;

(2) Delineate the nature and extent of any known existing mercury contamination in the environment in the state of Idaho, including the status of all major water bodies in Idaho;

(3) Describe the potential effect of the existing mercury contamination on public health and the environment; and

(4) Assess the potential impacts of air pollution, water pollution and waste from the addition of any new sources of mercury in the state.

BE IT FURTHER RESOLVED that the report is requested to be submitted to the Governor and the Legislature not later than January 7, 2007. After the date this Resolution is adopted, the Idaho Department of Environmental Quality is requested to promulgate an administrative rule specifically opting out of the mercury cap and trade program in 40 CFR Part 60, Subpart HHHH. Upon review of the report's findings, the Legislature may request the Idaho Department of Environmental Quality to take no action with regard to the administrative rule. In the alternative, the Legislature may request the Idaho Department of Environmental Quality to revise the administrative rule to opt in to the cap and trade program, and may further request the Idaho Department of Environmental Quality to promulgate a rule that, among other things, establishes specific limitation and monitoring requirements on mercury emissions.

SCR 131 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 9, 2006

The JUDICIARY AND RULES Committee reports that S 1434, S 1435, and S 1436 have been correctly printed.

DARRINGTON, Chairman

S 1434, S 1435, and S 1436 were referred to the Finance Committee.

March 8, 2006

The JUDICIARY AND RULES Committee reports that **S 1356**, as amended, and **S 1357**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1356**, as amended, and **S 1357**, as amended, were filed for first reading.

March 8, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 443**, **H 671**, **S 1356**, **H 497**, **S 1357**, and **H 717** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator Langhorst was recorded present at this order of business.

March 7, 2006

The TRANSPORTATION Committee reports out **H 517**, **H 659**, and **H 727** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

BRANDT, Chairman

**H 517**, **H 659**, and **H 727** were filed for second reading.

March 8, 2006

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Blanche M. Weber to the Bingo-Raffle Advisory Board, term to expire January 7, 2008;

John Ewing to the State Building Authority, term to expire January 1, 2009.

BURTENSHAW, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 9, 2006

The FINANCE Committee reports out **S 1434**, **S 1435**, and **S 1436** with the recommendation that they do pass.

CAMERON, Chairman

**S 1434**, **S 1435**, and **S 1436** were filed for second reading.

March 8, 2006

The STATE AFFAIRS Committee reports out **H 711** and **H 718** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 711** and **H 718** were filed for second reading.

Senator Burkett was recorded present at this order of business.

March 8, 2006

The HEALTH AND WELFARE Committee reports out **H 613** and **H 646** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

COMPTON, Chairman

**H 613** and **H 646** were filed for second reading.

The President assumed the Chair.

March 8, 2006

The HEALTH AND WELFARE Committee reports out **H 565**, as amended, **H 611**, as amended, and **H 664** with the recommendation that they do pass.

COMPTON, Chairman

**H 565**, as amended, **H 611**, as amended, and **H 664** were filed for second reading.

March 8, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1393** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **S 1393** was referred to the Fourteenth Order of Business, General Calendar.

March 8, 2006

The EDUCATION Committee reports out **HJM 13** with the recommendation that it do pass.

GOEDDE, Chairman

**HJM 13** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2006

The JUDICIARY AND RULES Committee reports out **S 1425, H 632, H 633, H 631, and H 432** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1425, H 632, H 633, H 631, and H 432** were filed for second reading.

March 9, 2006

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Mark Funaiole to the Commission of Pardons and Parole, term to expire January 1, 2009.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1264**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 8, 2006

Mr. President:

I transmit herewith **HCR 58, HCR 59, HCR 60, and H 743** which have passed the House.

JUKER, Chief Clerk

**HCR 58, HCR 59, HCR 60, and H 743** were filed for first reading.

March 8, 2006

Mr. President:

I transmit herewith Enrolled **HCR 40** and **HJM 12** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 40** and **HJM 12** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Bunderson, granted by unanimous consent, **SCR 130** was referred to the State Affairs Committee.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

On request by Senator McKenzie, granted by unanimous consent, **H 717**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

**S 1437**

#### BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE SALARIES OF ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE THAT THE SALARIES OF ELECTIVE OFFICERS SHALL BE INCREASED BY FIVE PERCENT PER ANNUM ON THE FIRST MONDAY OF THE YEARS SPECIFIED.

**S 1438**

#### BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE FOR AN EVALUATION OF EACH NONCERTIFICATED EMPLOYEE BEFORE MARCH 1 OF EACH SCHOOL YEAR, TO REVISE THE GRIEVANCE PROCEDURE TO INCLUDE AN INFORMAL REVIEW BEFORE THE BOARD UPON REQUEST OF AN EMPLOYEE, TO ESTABLISH A PROCESS FOR MEETING AND CONFERRING ON TERMS AND CONDITIONS OF EMPLOYMENT UPON REQUEST OF A MAJORITY OF NONCERTIFICATED EMPLOYEES AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1439**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE A PROBATIONARY PERIOD FOR AN EMPLOYEE WITH AT LEAST ONE HUNDRED EIGHTY DAYS OF EMPLOYMENT WHOSE JOB PERFORMANCE IS FOUND TO BE UNSATISFACTORY AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1440**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE FOR WRITTEN NOTICE BY MAY 15 OF EACH YEAR OF EMPLOYMENT STATUS FOR THE FOLLOWING SCHOOL YEAR AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1441**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO CIVIL ACTIONS; AMENDING CHAPTER 2, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-249, IDAHO CODE, TO PROVIDE IMMUNITY FROM CIVIL ACTIONS FOR PERSONS WHO USE FORCE IN JUSTIFIABLE OR OTHERWISE PERMISSIBLE SELF-DEFENSE, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND OTHER EXPENSES AND TO DEFINE "LAW ENFORCEMENT OFFICER."

**S 1437, S 1438, S 1439, S 1440, and S 1441** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 443**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**H 671**, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 497**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**S 1356**, as amended, and **S 1357**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

**HCR 58**, by Education Committee, was introduced, read at length, and referred to the Education Committee.

**HCR 59**, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**HCR 60**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 743**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 593**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 614**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 567** and **H 619**, by Health and Welfare Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 584** and **H 587**, by Business Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1430** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1430** passed, title was approved, and the bill ordered transmitted to the House.

**S 1431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1431** passed, title was approved, and the bill ordered transmitted to the House.

**S 1432** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1432** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Fulcher, granted by unanimous consent, **S 1428** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Stegner, granted by unanimous consent, **S 1423** retained its place on the Third Reading Calendar for one legislative day.

**H 554** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 554** passed, title was approved, and the bill ordered returned to the House.

**H 555** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Richardson, McGee, and Pearce arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 555** passed, title was approved, and the bill ordered returned to the House.

**H 621** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 621** passed, title was approved, and the bill ordered returned to the House.

**H 746** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 746** passed, title was approved, and the bill ordered returned to the House.

**H 747** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 747** passed, title was approved, and the bill ordered returned to the House.

**H 748** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 748** passed, title was approved, and the bill ordered returned to the House.

**H 627** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 627** passed, title was approved, and the bill ordered returned to the House.

**H 628** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 628** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Little to the Chair.

**H 629** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 28.

NAYS--Brandt, Broadsword, Fulcher, Hill, Pearce, Williams.  
Total - 6.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 629** passed, title was approved, and the bill ordered returned to the House.

**H 430** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 430** passed, title was approved, and the bill ordered returned to the House.

**H 431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 431** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 530** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Fulcher. Total - 1.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 530** passed, title was approved, and the bill ordered returned to the House.

**H 589**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 589**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:04 p.m. until the hour of 9:30 a.m., Friday, March 10, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary